

REMARKS

Claims 1-15 are pending.

Claims 1-5 are rejected.

Claims 6-10 and 11-15 are objected to.

Claims 1, 2, 6, 9 and 10 are amended.

Specification

Applicants have amended the title as suggested by the examiner.

No new matter is added.

Claim Objection

Claims 1, 2, 9 and 10 are objected to because the structures of R_{19} and R_{20} are undefined when the moieties refer to themselves. See line three of the definition for R_{19} and R_{20} .

Applicants have deleted the R_{19} and R_{20} definitions $-O-Si(CH_3)(R_{19})-$ and $-O-Si(CH_3)(R_{20})-$ in claims 1, 2, 6, 9 and 10 and added the suggested phrase by the examiner "of the formula" in the R_{21} definition.

No new matter is added.

Examiner also believes the definition of R_{21} to be unclear. Applicants have amended as suggested.

Claims 1-5 are rejected under 35 USC 103(a) as being obvious over Fuchs, WO03/040076.

Declaration under 1.132

Examiner believes that Fuchs teaches a process for the preparation of an alpha hydroxyl ketone. Although the reference does not disclose a halogenation step prior to the bromination step, the bromination reaction under certain conditions brominates the alpha carbon of the ketone and the carbon in the benzylic position. Subsequent hydrolysis of isomeric mixture results in the claimed formula.

This rejection constitutes prior art only under 102(e). Both the present application and the cited reference share common inventors and are commonly assigned.

The applicants enclose a showing under 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor (or inventors) of this application and is thus not an invention "by another".

As the invention disclosed but not claimed in Fuchs is not the invention "by another", the above rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1-15 is respectfully solicited in light of the remarks, amendments *supra* and submitted declaration.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-15 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosure: 1.132 declaration